

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

JAN 21 2020

## UNITED STATES DISTRICT COURT

for the

David J. Bradley, Clerk

Southern District of Texas

United States of America

v.

Lee Roy HUERTA

US Citizen

YOB:1991

Case No. M-20-0125-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/10/2019 to 12/11/2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

Title 18 U.S.C. § 2251(a), 2251(e)  
Title 18 U.S.C. § 1470Attempted Production of Child Pornography  
Transfer of obscene material to minors

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.  
Complainant's signature

Ryan J. Hammer, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/21/20 - 11:03 AM  
Judge's signatureCity and state: McAllen, Texas

Juan Alanis, United States Magistrate Judge

Printed name and title

**Attachment "A"**

**Affidavit in Support of Complaint**

I, Ryan J. Hammer, being first duly sworn, state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since June of 2016. I am currently assigned to the San Antonio Division, McAllen office where I conduct a variety of investigations pertaining to gangs and violent crime.

2. On January 15, 2020, the mother of a Minor Female (hereafter "MF-1) reported an incident to the McAllen Resident Agency (MRA) of the Federal Bureau of Investigation (FBI) regarding explicit photographs sent to MF-1 via Facebook Messenger from a Facebook profile under the name "Lee Roy Huerta". The mother advised that this Facebook account was used by Lee Roy Huerta (hereinafter, "HUERTA"), a male relative.

3. The mother advised that MF-1 was 11 years old. The mother and MF-1 had lived with HUERTA at his residence in November for approximately three weeks.

4. The mother provided consent to search the Facebook account through which MF-1 was receiving the messages and agents obtained the messages between MF-1 and the "Lee Roy Huerta" account. A review showed that the messages spanned the timeframe from November 16, 2019 through December 11, 2019.

5. Beginning on or about December 10, 2019, HUERTA began discussing sending pictures to MF-1. The following are various subsets of the messages that were sent/received:

**A.**

<b>SPEAKERS</b>	<b>MESSAGE</b>
HUERTA	Can I send you some pics?

**B.**

HUERTA	Boo then never mind unless u down to keep a sec between us and dealt it quick
MF-1	Nah
HUERTA	So u would tell on me even tho I have ur back when ur mom try to beat u up and I dint let it remember
MF-1	Yeah but what are you gonna send me
HUERTA	Nothing bad, but u know I had ur back so no te awites con migo
HUERTA	Right or wrong?
MF-1	Right
MF-1	I can keep it a sec I promise
HUERTA	Ok u pinky promise, just like I wouldn't let ur mom hit u

**C.**

HUERTA	So if I send pics of me to u u promise to delete it when u done seeing them
HUERTA	Promise?
MF-1	Yes!
HUERTA	Tell u wat ima send u some pics and just to I know u keep it down u send me some too ok
MF-1	Uh
HUERTA	And don't tell ur mom

**D.**

HUERTA	Ok ima send u one rn
MF-1	Ok
HUERTA	Then u do ok

MF-1	Ok
HUERTA	After I see them delete them ok
MF-1	Ok
HUERTA	How do I look better as an angel or a diablo?

E.

HUERTA	<b>[Photograph sent in which he is nude with erect penis visible]</b>
HUERTA	Delete it when you're done

F.

HUERTA	Then it's ur turn, remember it's our secret u promise
HUERTA	Can u at least send me a sexy pic of u

G.

HUERTA	How old r u mamas?
HUERTA	U at school?
HUERTA	U ganna tell huh

H.

HUERTA	<b>[Photograph sent of female identified as girlfriend of Huerta performing oral sex on Huerta]</b>
HUERTA	<b>[Photograph sent of female identified as girlfriend of Huerta performing oral sex on Huerta]</b>
HUERTA	<p>Wat school u going to?</p> <p>??</p> <p>So u just going to leav me in seen</p> <p>Can I send u a video, I don't know why but I'm comfortable whit u hope u don't say shit</p>

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	Miss u That hurts my feelings but ok
--	-----------------------------------------

6. HUERTA is a known gang member and has prior convictions to include felony conviction for kidnapping and unlawful possession of a firearm by felon.

7. As a result of Facebook messages that were sent through the account identified to be used by HUERTA by a relative of HUERTA, investigators have probable cause to believe that **HUERTA** knowingly and willfully attempted to produce child pornography through the use of interstate facilities as well as knowingly and willfully transferred obscene material to a minor using interstate facilities.